

JOURNAL OF THE HOUSE.

Thursday, June 8, 2006.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

God of Goodness and Forgiveness, we depend upon You and Your assistance in our daily struggle to respond to our own responsibilities and the legislative issues of the moment and day. Your guidance helps us to keep and to understand accurately the impact and the consequences of pending legislative matters in clear focus. When, as a society, we disagree on legislative issues, proposals and programs, teach us to respect the views and opinions of others and to represent fairly the insights of opponents. In these times of worldwide terrorism and violence, teach us to continue to respect the dignity and rights of all people as we together try to build a civil, safe, ethical and peaceful society.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of
allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Message from the Governor.

Flood
emergency,
appropriations.

A message from His Excellency the Governor recommending legislation relative to making adjustments to existing appropriations (House, No. 5023) was filed in the office of the Clerk on Wednesday, June 7.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

Statement of Representative Khan of Newton.

A statement of Ms. Khan of Newton was spread upon the records of the House, as follows:

Statement of
Representative
Khan of
Newton.

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for the sitting of Wednesday, May 24 due to a previously scheduled family commitment. Had I been present for the taking of yea and nay No. 436, on adoption of a further amendment, offered by Mr. Koutoujian of Waltham, which precluded my amendment, to the House Bill relative to patient safety (House, No. 4965), I would have voted in the negative. Furthermore, had I been present for the taking of yea and nay No. 440, on passing said bill, in its amended form (House, No. 4988, printed as amended) to be engrossed, I also would have voted in the negative. Any roll calls that I missed that day was due entirely to the reason stated.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mrs. Harkins of Needham) congratulating Joseph Barnes on the occasion of his retirement from the Needham Public Schools;

Joseph
Barnes.

Resolutions (filed by Mr. Keenan of Salem) on the occasion of the passing of U.S. Army Sergeant Benjamin E. Mejia;

Benjamin E.
Mejia.

Resolutions (filed by Representatives Lantigua of Lawrence, Broadhurst of Methuen, Finegold of Andover, L'Italien of Andover and Torrisi of North Andover) congratulating Frank S. Vacirca upon his retirement as Superintendent-Director of Greater Lawrence Technical School;

Frank S.
Vacirca.

Resolutions (filed by Mr. O'Brien of Kingston) congratulating Dana R. Ellis on receiving the Eagle Award of the Boy Scouts of America;

Dana R.
Ellis.

Resolutions (filed by Ms. Peisch of Wellesley) honoring the memory of Felix Juliani;

Felix
Juliani.

Resolutions (filed by Msrs. Rush of Boston and Galvin of Canton) congratulating the Irish Cultural Centre of New England upon their sixteenth annual Irish Connections Festival 2006; and

Irish
Cultural
Centre.

Resolutions (filed by Mr. Vallee of Franklin and other members of the House) honoring John M. Jones on his retirement from Tri-County Regional Vocational Technical High School;

John M.
Jones.

Mr. Petrolati of Ludlow, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Ms. Peisch, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Order.

The following order (filed by Mr. Kaufman of Lexington) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Public Service be granted until Saturday, July 1, 2006 to make its final report on current House document 4695.

Public Service
committee,
extension
of time for
reporting.

Mr. Scaccia of Boston, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Kaufman, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Petitions.

Petitions severally were presented and referred as follows:

By Ms. Polito of Shrewsbury, petition (accompanied by bill, House, No. 5035) of Karyn E. Polito and others (by vote of the town) that the town of Westborough be authorized to grant a license for the sale of alcoholic beverages not to be drunk on the premises to Highpoint Liquors, LLC. To the committee on Consumer Protection and Professional Licensure.

Westborough,
Highpoint
Liquors.

Hingham,
deputy
police chief.

By Mr. Bradley of Hingham, petition (accompanied by bill, House, No. 5036) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) that the position of deputy chief of police in the town of Hingham be exempt from provisions of the civil service law. To the committee on Public Service.

Severally sent to the Senate for concurrence.

Veterans
tax relief.

Mr. Murphy of Burlington presented a petition (subject to Joint Rule 12) of Charles A. Murphy and others relative to property tax relief to nonprofit veteran organizations; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Cabral of New Bedford, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Revenue. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Boston,
R. L. Cawley
Bridge.

By Mr. Rush of Boston, petition (subject to Joint Rule 12) of Michael F. Rush and others for legislation to designate a certain bridge on Route 109 over the Charles River connecting the city of Boston and the town of Dedham as the Honorable Robert L. Cawley Memorial Bridge.

Frances M.
Ravish,
sick leave.

By Mr. Donelan of Orange, petition (subject to Joint Rule 12) of Christopher J. Donelan for legislation to establish a sick leave bank for Frances M. Ravish, an employee of the Department of the Trial Court.

Dogs,
regulating.

By Mr. Kocot of Northampton, petition (subject to Joint Rule 12) of Peter V. Kocot for legislation to regulate the control of dogs in the cities and towns of the Commonwealth.

Motor vehicle
licensees,
suspensions.

By Mrs. Parente of Milford (by request), petition (subject to Joint Rule 12) of Walter Unruh for legislation to restrict the authority of the Registrar of Motor Vehicles to suspend the licenses of operators for certain motor vehicle violations.

Security
deposits.

By Ms. Peisch of Wellesley, petition (subject to Joint Rule 12) of Alice Hanlon Peisch relative to security deposits.

Energy,
tax
credits.

By Mr. Petersen of Marblehead, petition (subject to Joint Rule 12) of Douglas W. Petersen that owners of residential property be provided with a tax credit for the purchase of certain energy-efficient products for such property.

South Grafton
Water District.

By Mr. Peterson of Grafton, petition (subject to Joint Rule 12) of George N. Peterson, Jr., for legislation to revise the boundary lines of the South Grafton Water District.

Adopted
children,
birth
certificates.

By Mr. Smizik of Brookline, petition (subject to Joint Rule 12) of Frank I. Smizik and Cynthia Stone Creem for legislation to authorize the changing of names on birth certificates of certain adopted children.

Freetown,
J.F. Simmons
Bridge.

By Mr. Sullivan of Fall River, petition (subject to Joint Rule 12) of David B. Sullivan and others for legislation to designate a certain bridge in the town of Freetown as the Joseph F. Simmons, Jr., Bridge.

By Mr. Walsh of Boston, petition (subject to Joint Rule 12) of Martin J. Walsh that John Comerford be eligible for participation in a certain early retirement program for public employees.

John
Comerford,
retirement.

By Mr. Walsh of Lynn, petition (subject to Joint Rule 12) of Steven M. Walsh and others for legislation to provide income tax deductions for damages sustained from flooding in the month of May of the current year in the federally designated disaster areas of Essex, Middlesex, Norfolk, Suffolk and Worcester counties.

Flood
victims,
tax relief.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

The House Bill relative to HIV and Hepatitis C prevention (House, No. 4176, amended) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2569, amended in section 3, in proposed section 27A, in subparagraph (b), paragraph (1), clause (iii), by striking out the words “, senior centers”, in said clause (iii), by inserting after the words “health offices” the words “; provided that sharps collection centers may be located at senior centers only for the purpose of disposing of medically necessary hypodermic needles”; and by adding at the end thereof the following section:

Hepatitis C,
prevention.

“SECTION 17. The department of public health shall provide a report to the general court on the program for the collection and disposal of non-commercially generated, spent hypodermic needles and lancets pursuant to section 27A of chapter 94C of the General Laws. The report shall be filed with the clerks of the senate and house of representatives by July 20, 2006. The report shall include the proposed location of sharps collection centers, and the department shall notify each city and town of the locations of proposed collection centers in that city or town. The department shall also make this list of proposed collection centers available online. Section 27 of said chapter 94C, as amended by this act, shall take effect on September 18, 2006.”

Under suspension of Rule 35, on motion of Mr. Koutoujian of Waltham, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

An order came from the Senate with the endorsement that it had been adopted by said branch, as follows:

Ordered, That Notwithstanding the provisions of Joint Rule 10, the Joint Committee on Bonding, Capital Expenditures and State Assets be granted until Friday, June 30, 2006, within which time to make its final report on current Senate number 2508.

Bonding,
Capital
Expenditures
and State
Assets
committee,
extension
of time for
reporting.

Under suspension of the rules, on motion of Mr. Flynn of Bridgewater, the order (having been reported by the committees on Rules of the two branches, acting concurrently) was considered forthwith; and it was adopted, in concurrence.

Performing
groups,
protection.

A Bill regulating certain musical performances and the protection of performing groups (Senate, No. 2530) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Bills

Essex
retirement
system.
Bridge
designations.

Further regulating the Essex Regional Retirement System (Senate, No. 2263, amended by striking out section 2) (on a petition);

Designating certain bridges in the Commonwealth (Senate, No. 2559) (on Senate, No. 2536);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Pittsfield
land.

A petition (accompanied by bill, Senate, No. 2576) of Andrea F. Nuciforo, Jr., Christopher N. Speranzo, Daniel E. Bosley, Denis E. Guyer and other members of the General Court (with the approval of the mayor and city council) for legislation to authorize the conservation commission of the city of Pittsfield to convey a certain parcel of conservation land for public purposes, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Economic
development.

Petition (accompanied by bill) of Jeffrey Sánchez relative to economic development in the Commonwealth. To the committee on Economic Development and Emerging Technologies.

Norwood
and Sharon,
sewer access.

Petition (accompanied by bill) of John H. Rogers and Marian Walsh relative to authorizing the Water Resources Authority to provide sewer service through the town of Norwood to certain property located in the town of Sharon. To the committee on Environment, Natural Resources and Agriculture.

Janice
Brown,
sick leave.

Petition (accompanied by bill) of Elizabeth A. Malia for legislation to establish a sick leave bank for Janice Brown, an employee of the Appellate Tax Board. To the committee on Public Service.

Handicapped
parking.

Petition (accompanied by bill) of Geoffrey D. Hall and others relative to permitting certain vehicles to park in handicapped spaces; and

Transit
Fund,
establishment.

Petition (accompanied by bill) of Antonio F. D. Cabral and others for legislation to establish a transit fund for the Commonwealth to provide for improvements to commuter rail and other public transportation services outside the greater Boston area;

Severally to the committee on Transportation.

Under suspension of the rules, on motion of Mr. Cabral of New Bedford, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill providing that records of special state police officers at educational institutions and hospitals are public (Senate, No. 1735),— and recommending that the same be referred to the committee on the Judiciary. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence in the reference.

Special
State Police
Officers,
records.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill requiring a disabled commuter representative on regional transit authority advisory boards (Senate, No. 2509),— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted.

Regional
transit
advisory
boards.

Report of the committees on Rules of the two branches, acting concurrently, that the House Resolve providing for an investigation and study relative to a community based recycling program (House, No. 4805) ought NOT to pass (under Joint Rule 10).

Recycling,
study.

Under suspension of the rules, on motion of Ms. Grant of Beverly, the resolve was considered forthwith.

Pending the question on rejection of the resolve, it was referred to the House committee on Rules, on motion of Mr. Scaccia of Boston.

By Mr. Torrissi of North Andover, for the committee on Community Development and Small Business, on House, Nos. 1466, 3625, 3675, 3679, 3685, 3815, 4014 and 4193, an Order relative to authorizing the committee on Community Development and Small Businesses to make an investigation and study of certain House documents concerning business and development (House, No. 5027).

Community
and small
businesses,
study.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, on House, No. 2726, an Order relative to authorizing the committee on Health Care Financing to make an investigation and study of a certain House document establishing an award program for certain doctors and nurses (House, No. 5028).

Doctors,
nurses,
program.

By the same member, for the same committee, on House, Nos. 1037, 1495, 2690, 2693, 2730, 4937 and the residue of House, No. 1122, an Order relative to authorizing the committee on Health Care Financing to make an investigation and study of certain House documents concerning biomedical laboratories and other related matters (House, No. 5029).

Biomedical
laboratories,
study.

By Mr. Rodrigues of Westport, for the committee on Labor and Workforce Development, on House, No. 4750, an Order relative to authorizing the committee on Labor and Workforce Development to make an investigation and study of a certain House document concerning employment practices of children (House, No. 5030).

Children
employment,
study.

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of said orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

Schools,
attendance
requirements.

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill relative to public school attendance requirements (House, No. 4738) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Home
service
contracts.

By Mr. Mariano of Quincy, for the committee on Financial Services, on House, No. 4990, a Bill relative to home service contracts (House, No. 5034). Read; and referred, under Rule 33, to the committee on Ways and Means.

National
Guard,
hazardous
exposures.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the Bill relative to exposures to hazardous materials by certain members of the National Guard (House, No. 4591, changed) ought to pass. Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently, Mr. Scaccia of Boston, for said committee reported that the foregoing bill ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Voluntary
health
records
registry.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the Bill establishing a voluntary health records registry (House, No. 2749) ought to pass with an amendment substituting therefor a Bill to study the creation of a voluntary health records registry for biological parents of adopted persons (House, No. 5031).

Minors,
drug
overdoses.

By the same member, for the same committee, that the Bill requiring notice of the treatment of minors for drug overdoses (House, No. 4572, changed) ought to pass with an amendment substituting therefor a Bill requiring parental notice of the treatment of minors for drug overdoses (House, No. 5032).

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendments pending.

Sexual assault
nurse
examiners.
Needlestick
injuries.
Medicare.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the following bills ought to pass:

Regarding sexual assault nurse examiners and forensic evidence in cases of sexual assault and rape (House, No. 878);

Relative to needlestick injury prevention (House, No. 2664);
Relative to Medicare Supplemental Insurance (House, No. 4481);
and

Mental
health.

Concerning the right of persons receiving services from programs of facilities of the Department of Mental Health to daily access to fresh air and the outdoors (House, No. 4757);

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Petrucci of Boston, for the committee on Election Laws, on House, No. 96, a Bill relative to electioneering communications and independent expenditures (House, No. 5033).

Campaigns,
electronic
communications.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill establishing a sick leave bank for Michael McLaughlin, an employee of the Trial Court of the Commonwealth (House, No. 4578).

Michael
McLaughlin,
sick leave.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Engrossed Bills.

The engrossed Bill relative to the licensure of massage therapists (see Senate, No. 2258, amended) (which originated in the Senate) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, without amendment; and it was signed by the acting Speaker and sent to the Senate.

Bill
re-enacted.

Engrossed bills

Relative to the historic Lucius Crain Tavern in the town of Hadley (see Senate, No. 2127);

Bills
enacted.

Authorizing campaign contributions by debit card (see Senate, No. 2340);

(Which severally originated in the Senate); and

Regulating the financial conditions in the Pentucket Regional School District (see House, No. 4883, changed) (which originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Recess.

At twenty-five minutes after eleven o'clock A.M., on motion of Ms. Grant of Beverly (Mr. Donato of Medford being in the Chair), the House recessed until ten minutes before twelve o'clock noon; and at one minute before twelve o'clock the House was called to order with Mr. Donato in the Chair.

Recess.

Orders of the Day.

The Senate Bill authorizing the town of Russell to borrow money for the upgrade and extension of the town's community cable television system (Senate, No. 2243), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third
reading
bill.

House bills

Relative to the Wayland wastewater management district commission (House, No. 4631);

Third
reading
bills.

Relative to the terms of certain bonds to be issued by the Commonwealth (printed in House, No. 4385); and

Validating the actions taken at a certain town meeting in the town of Wareham (printed in House, No. 4538);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

On motion of Mr. DiMasi of Boston,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

At ten minutes after twelve o'clock noon, on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.